

**THE MINUTES OF THE HOUSE STANDING COMMITTEE  
ON  
JUDICIARY**

**Wednesday, June 1, 2005**

**10:30 a.m.**

**Room 308 House Office Building**

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The House Standing Committee on Judiciary was called to order by **Representative William Van Regenmorter**, Chair.

**MEMBERS PRESENT:** Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, Bieda and Virgil Smith.

**MEMBERS ABSENT/EXCUSED:** Representatives Lipsey and McConico.

**Representative Jones** moved to adopt the minutes of the **May 25, 2005** meeting. The motion was supported by **Representative Rocca**. There being no objection, the motion prevailed by unanimous consent.

**Chairman Van Regenmorter** laid **HB 4588** before the committee:

HB 4588 Van Regenmorter Crime victims; rights; comprehensive changes to crime victim's rights act; enact.

**TESTIMONY**

**Chairman Van Regenmorter**, sponsor of HB 4588, explained his bill to the committee.

**Mary Louk**, representing the Michigan Domestic Violence Prevention and Treatment Board, submitted a card in support of the legislation, and did not wish to speak.

**Representative Condino** moved to adopt the substitute **(H-1)** to **HB 4588**. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **9-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Stakoe, Jones, Rocca, Condino, Adamini, and Bieda,

Nays: None,

Pass: None.

**Representative Condino** moved to adopt the following amendments to **HB 4588 (H-1)**. The motion was supported by **Representative Bieda**.

1. Amend page 6, line 19, after “13a.” by inserting “(1)”.
2. Amend page 6, line 21, by striking out “**SENTENCED TO PROBATION,**”.
3. Amend page 6, line 27, after “agency,” by striking out “**THE PROBATION OFFICE,**”.
4. Amend page 7, following line 1, by inserting:  
“**(2) IF THE DEFENDANT IS SENTENCED TO PROBATION, THE DEPARTMENT OF CORRECTIONS SHALL NOTIFY THE VICTIM IF THE PROBATION IS REVOKED AND THE DEFENDANT IS SENTENCED TO THE DEPARTMENT OF CORRECTIONS OR TO JAIL FOR MORE THAN 90 DAYS. THE NOTICE SHALL INCLUDE A FORM THE VICTIM MAY SUBMIT TO THE DEPARTMENT OF CORRECTIONS OR THE SHERIFF TO RECEIVE NOTICES UNDER SECTION 19, 20, OR 20A.**”.
5. Amend page 14, line 6, after the first “to” by inserting “**MAKE REGULARLY SCHEDULED RESTITUTION PAYMENTS. IF THE DEFENDANT MISSES 2 OR MORE REGULARLY SCHEDULED PAYMENTS, THE COURT SHALL ORDER THE DEFENDANT TO**”.
6. Amend page 16, line 3, after “**THE**” by striking out the balance of the subsection and inserting “**PROSECUTING ATTORNEY. THE PROSECUTING ATTORNEY SHALL FORWARD THE NOTICE TO THE VICTIM AT THE VICTIM’S LAST KNOWN ADDRESS.**”.
7. Amend page 16, line 19, after “**RESTITUTION**” by inserting “**TO BE ALLOCATED AS PROVIDED IN THIS SECTION**”.
8. Amend page 20, line 2, after “**(D)**” by striking out “**COURT COSTS OR FINES ASSESSED**” and inserting “**FINES, COSTS, AND OTHER ASSESSMENTS ORDERED**”.
9. Amend page 23, line 9, by striking out all of subsection (2) and renumbering the remaining subsection.
10. Amend page 37, line 11, after the first “to” by inserting “**MAKE REGULARLY SCHEDULED RESTITUTION PAYMENTS. IF THE JUVENILE MISSES 2 OR MORE REGULARLY SCHEDULED PAYMENTS, THE COURT SHALL ORDER THE JUVENILE TO**”.
11. Amend page 39, line 11, after “**THE**” by striking out the balance of the subsection and inserting “**PROSECUTING ATTORNEY. THE PROSECUTING ATTORNEY SHALL FORWARD THE NOTICE TO THE VICTIM AT THE VICTIM’S LAST KNOWN ADDRESS.**”.

12. Amend page 39, line 27, after “**RESTITUTION**” by inserting “**TO BE ALLOCATED AS PROVIDED IN THIS SECTION**”.

13. Amend page 44, line 17, after “**(D)**” by striking out the balance of the subdivision and inserting “**FINES, COSTS, AND OTHER ASSESSMENTS ORDERED AGAINST THE JUVENILE.**”.

14. Amend page 45, line 14, after “**(vii)**” by striking out the balance of the line and inserting “**A MISDEMEANOR**”.

15. Amend page 46, line 5, after “**VIOLATION**” by striking out “**DESCRIBED IN**” and inserting “**OF**”.

16. Amend page 46, line 6, after “**257.601B**” by inserting a comma and “**INJURING A WORKER IN A WORK ZONE**”.

17. Amend page 47, line 5, after “violation” by striking out the balance of the subparagraph and inserting “enumerated in subparagraphs (i) to ~~(xiii)~~ (xvii).”.

18. Amend page 47, line 8, after “misdemeanor” by striking out “**DESCRIBED IN THIS SUBDIVISION**” and inserting “enumerated in subparagraphs (i) to ~~(xiv)~~ (xviii).”.

19. Amend page 56, line 26, after the first “to” by inserting “**MAKE REGULARLY SCHEDULED RESTITUTION PAYMENTS. IF THE DEFENDANT MISSES 2 OR MORE REGULARLY SCHEDULED PAYMENTS, THE COURT SHALL ORDER THE DEFENDANT TO**”.

20. Amend page 58, line 24, after “**THE**” by striking out the balance of the subsection and inserting “**PROSECUTING ATTORNEY. THE PROSECUTING ATTORNEY SHALL FORWARD THE NOTICE TO THE VICTIM AT THE VICTIM’S LAST KNOWN ADDRESS.**”.

21. Amend page 59, line 13, after “**RESTITUTION**” by inserting “**TO BE ALLOCATED AS PROVIDED IN THIS SECTION**”.

22. Amend page 64, line 5, after “**(D)**” by striking out “**COURT COSTS OR FINES ASSESSED**” and inserting “**FINES, COSTS, AND OTHER ASSESSMENTS ORDERED**”.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, Bieda, and Virgil Smith,

Nays: None,  
Pass: None.

**Representative Jones** moved to adopt the **(H-2)** substitute to **HB 4588**. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, Bieda, and Virgil Smith,  
Nays: None,  
Pass: None.

**Representative Condino** moved to report **HB 4588** with recommendation, as substitute **(H-2)**. The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, Bieda, and Virgil Smith,  
Nays: None,  
Pass: None.

**Chairman Van Regenmorter** laid **HB 4322** before the committee:

HB 4322 Jones	Health; pharmaceuticals; sale of certain over-the-counter products containing pseudoephedrine or ephedrine; require to be maintained behind counter and require photo identification.
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**TESTIMONY**

**Representative Jones**, sponsor of HB 4322, explained his bill to the committee.

**Detective Lieutenant Tony Saucedo**, representing Michigan State Police Meth Team, supported the legislation.

**Fred Anderson**, Allegan County Prosecutor, supported the legislation.

**Representative Schuitmaker**, cosponsor of HB 4322, supported the legislation.

**E.J. McAndrew**, representing the Van Buren County Meth Task Force, supported the legislation.

**Representative Booher**, representing the Osceola County Sheriffs Department, supported the legislation.

**Deputy Larry Start**, representing the Osceola County Sheriffs Department, supported the legislation.

**Greg Warren**, Director of State Government Affairs for Wyeth Pharmaceuticals, supported the legislation.

**Greg Baran**, representing the Michigan Pharmacists Association, supported the legislation and did not wish to speak.

**Andrew Richner**, representing Rite-Aid, supported the legislation and did not wish to speak.

**Nancy Bennett**, representing the Office of Drug Control Policy, Meth Task Force, Michigan Department of Community Health, conceptually supports the legislation.

**Orlene Christie**, representing the Michigan Department of Community Health, conceptually supports the legislation.

**Ellen Hoestra**, representing the Michigan Association of Substance Abuse Coordinating Agencies (MASACA), supported the legislation and did not speak due to time constraints.

**Erin Clark**, representing Spartan Stores, opposed the legislation and did not wish to speak.

**Representative Virgil Smith** moved to adopt the **(H-1)** substitute to **HB 4322**. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **11-0-2**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Bieda, and Virgil Smith,

Nays: None,

Pass: Representatives Condino and Adamini.

**Representative Jones** moved to report **HB 4322** with recommendation, as substitute **(H-1)**. The motion was supported by **Representative Schuitmaker**.

The motion prevailed by a vote of **10-0-1**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, and Virgil Smith,

Nays: None,

Pass: Representative Adamini.

**Chairman Van Regenmorter** laid **SB 189** before the committee:

SB 189     Birkholz             Health; pharmaceuticals; sale of certain over-the-counter products containing pseudoephedrine or ephedrine; require to be maintained behind counter and require photo identification.

**Detective Lieutenant Tony Saucedo**, representing Michigan State Police Meth Team, supported the legislation.

**Representative Booher**, representing the Osceola County Sheriff's Department, supported the legislation.

**Greg Warren**, Director of State Government Affairs for Wyeth Pharmaceuticals, supported the legislation.

**Ellen Hoekstra**, representing the Michigan Association of Substance Abuse Coordinating Agencies (MASACA), supported the legislation and did not speak due to time constraints.

**Andrew Richner**, representing Rite-Aid, supported the legislation and did not wish to speak.

**Greg Baran**, representing the Michigan Pharmacists Association, supported the legislation and did not wish to speak.

**Orlene Christie**, representing the Michigan Department of Community Health, conceptually supports the legislation.

**Nancy Bennett**, representing the Office of Drug Control Policy, Meth Task Force, Michigan Department of Community Health, conceptually supports the legislation.

**Erin Clark**, representing Spartan Stores, opposed the legislation and did not wish to speak.

**Linda Gobler**, representing the Michigan Grocers Association, opposed the legislation and did not wish to speak.

**Representative Elsenheimer** moved to adopt the substitute (**H-1**) to **SB 189**. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **11-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Adamini, and Virgil Smith,

Nays: None,

Pass: None.

**Representative Jones** moved to report **SB 189** with recommendation, as substituted (**H-1**). The motion was supported by **Representative Nofs**.

The motion prevailed by a vote of **11-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Adamini, and Virgil Smith,  
Nays: None,  
Pass: None.

**Representative Nofs** moved to excuse absent members from committee. The motion was supported by **Representative Stakoe**. There being no objection, the motion prevailed by unanimous consent.

There being no further business to come before the committee, the Chair adjourned the meeting at 12:13 p.m.

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**Representative William Van Regenmorter, Chair**  
**House Standing Committee on Judiciary**  
Malika Abdur-Rashid  
Committee Clerk  
517-373-7256  
1 hour 43 minutes